

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a
BRAZOS LICENSING AND
DEVELOPMENT,

Plaintiff,

v.

DELL TECHNOLOGIES INC., DELL
INC., AND EMC CORPORATION,

Defendants.

Case No. 6:20-cv-00477-ADA

JURY TRIAL DEMANDED

**DECLARATION OF BRIAN A. ROSENTHAL IN SUPPORT OF
DEFENDANTS' MOTION TO STAY PENDING *INTER PARTES* REVIEW**

I, Brian A. Rosenthal, declare as follows:

1. I am an attorney permitted to practice law before this Court *pro hac vice* and am licensed to practice law in New York and the District of Columbia. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP and counsel of record for Defendants Dell Technologies Inc., Dell Inc. and EMC Corporation in the above-captioned action. I have personal knowledge and/or am directly informed of the matters stated below and, if called, would testify to them under oath.
2. Attached hereto as **Exhibit 1** is a true and correct copy of the July 1, 2021 Decision Granting Institution of *Inter Partes* Review (Paper 13, IPR2021-00272).
3. Attached hereto as **Exhibit 2** is a true and correct copy of the June 7, 2021 letter from B. Rosenthal to J. Etheridge regarding discovery issues.
4. Attached hereto as **Exhibit 3** is a true and correct copy of the June 29, 2021 letter from B. Rosenthal to J. Etheridge requesting WSOU narrow its number of asserted claims.
5. Attached hereto as **Exhibit 4** is a true and correct copy of the July 13, 2021 letter from B. Rosenthal to J. Etheridge requesting WSOU stipulate to staying Case No. -477 pending the outcome of the *inter partes* review.
6. Attached hereto as **Exhibit 5** is a true and correct copy of the July 16, 2021 letter from J. Etheridge to B. Rosenthal in response to Defendants' letters dated June 29, 2021 and July 13, 2021.
7. Attached hereto as **Exhibit 6** is a true and correct copy of the July 26, 2021 letter from R. Loveless to counsel for Defendants in response to Defendants' July 13, 2021 letter.
8. Attached hereto as **Exhibit 7** is a true and correct copy of an email chain between B. Shelton and counsel for Plaintiffs regarding the proposed Protective Order, dated June 2, 2021

through June 9, 2021.

9. Attached hereto as **Exhibit 8** is a true and correct copy of an email chain between B. Shelton and M. Siegmund regarding proposed the Protective Order, dated June 29, 2021 through July 8, 2021.

10. Attached hereto as **Exhibit 9** is a true and correct copy of an email chain between B. Shelton and M. Siegmund regarding the proposed Protective Order and discovery limits, dated July 23, 2021.

11. I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 18, 2021

/s/ Brian A. Rosenthal
Brian A. Rosenthal